

SENATE BILL 73
EMERGENCY BILL

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P5

2004 Regular Session
4r0589

By: The President (By Request - Department of Legislative Services)

Introduced and read first time: January 15, 2004

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Annual Curative Bill**

3 FOR the purpose of generally curing previous Acts of the General Assembly with
4 possible title or other defects; providing for the effect and construction of certain
5 provisions of this Act; providing for the effective date of certain provisions of this
6 Act; making this Act an emergency measure; making certain provisions of this
7 Act subject to a certain contingency; and generally repealing and reenacting
8 without amendments certain Acts of the General Assembly that may be subject
9 to possible title or other defects in order to validate those Acts.

10 BY repealing and reenacting, without amendments,
11 Article 49B - Human Relations Commission
12 Section 5(e)(2)
13 Annotated Code of Maryland
14 (2003 Replacement Volume)

15 BY repealing and reenacting, without amendments,
16 Article - Business Occupations and Professions
17 Section 8-202(h)
18 Annotated Code of Maryland
19 (2000 Replacement Volume and 2003 Supplement)

20 BY repealing and reenacting, without amendments,
21 Article - Insurance
22 Section 27-209
23 Annotated Code of Maryland
24 (2002 Replacement Volume and 2003 Supplement)

25 BY repealing and reenacting, without amendments,
26 Article - State Finance and Procurement
27 Section 7-305
28 Annotated Code of Maryland
29 (2001 Replacement Volume and 2003 Supplement)

1 BY repealing and reenacting, without amendments,
2 Article - Education
3 Section 22-301
4 Annotated Code of Maryland
5 (2001 Replacement Volume and 2003 Supplement)
6 (As enacted by Chapter 53 of the Acts of the General Assembly of 2003)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
8 MARYLAND, That the Laws of Maryland read as follows:

9 **Article 49B - Human Relations Commission**

10 5.

11 (e) (2) This section does not require structural changes, modifications, or
12 additions to buildings or vehicles, except as required by this paragraph or as
13 otherwise required by law. In addition, any building constructed, modified or altered
14 in compliance with, or pursuant to a waiver from, the Maryland Accessibility Code
15 under § 12-202 of the Public Safety Article shall not be subject to this section.

16 (i) When structural changes, modifications, or the provision of
17 special equipment is necessary to accommodate an individual with a disability, the
18 accommodation shall be "reasonable".

19 (ii) 1. "Reasonable accommodation" for the purposes of this
20 paragraph means to make a public accommodation suitable for access, use, and
21 patronage by a person without danger to the person's health or safety and without
22 undue hardship or expense to a business or other activity making such an
23 accommodation.

24 2. With respect to a private motor coach transportation
25 carrier, for the purposes of this subsection, "reasonable accommodation" means that
26 any requirement to satisfy the provisions of this article will not exceed a maximum
27 expense of \$2,500 per operating vehicle. However, beginning January 1, 1990, at least
28 10 percent of the total operating fleet of any private motor coach transportation
29 carrier doing business in the State shall comply with the provisions of this article.

30 3. The Human Relations Commission shall make a
31 determination in the first instance whether an accommodation is "reasonable". In
32 making this determination for buildings, the Human Relations Commission may
33 consult with the Department of Housing and Community Development and such
34 others as may be useful as to the cost and feasibility of any structural changes,
35 modifications, additions or the provision of special equipment.

36 DRAFTER'S NOTE:

37 Error: Body of bill being cured failed to show Article 49B, § 5(e)(2) in its
38 entirety.

1 Occurred: Chapter 17 (Senate Bill 192) of the Acts of 2003.

2 **Article - Business Occupations and Professions**

3 8-202.

4 (h) (1) The term of a member is 3 years and begins on July 1.

5 (2) The terms of members are staggered as required by the terms
6 provided for members of the Board on July 1, 1991.

7 (3) At the end of a term, a member continues to serve until a successor is
8 appointed and qualifies.

9 (4) A member who is appointed after a term has begun serves only for
10 the rest of the term and until a successor is appointed and qualifies.

11 DRAFTER'S NOTE:

12 Error: Function paragraph of bill being cured incorrectly indicated that §
13 8-202(h) of the Business Occupations and Professions Article was being
14 amended.

15 Occurred: Chapter 227 (Senate Bill 267) of the Acts of 2003.

16 **Article - Insurance**

17 27-209.

18 Except as otherwise expressly provided by law, a person may not knowingly:

19 (1) allow, make, or offer to make a contract of life insurance or health
20 insurance or an annuity contract or an agreement as to the contract other than as
21 plainly expressed in the contract;

22 (2) pay, allow, give, or offer to pay, allow, or give directly or indirectly as
23 an inducement to the insurance or annuity:

24 (i) a rebate of premiums payable on the contract;

25 (ii) a special favor or advantage in the dividends or other benefits
26 under the contract;

27 (iii) paid employment or a contract for services of any kind; or

28 (iv) any valuable consideration or other inducement not specified in
29 the contract;

30 (3) directly or indirectly give, sell, purchase, offer or agree to give, sell, or
31 purchase, or allow as inducement to the insurance or annuity or in connection with
32 the insurance or annuity, regardless of whether specified in the policy or contract, an

1 agreement that promises returns and profits, or stocks, bonds, or other securities, or
2 a present or contingent interest in or measured by stocks, bonds, or other securities,
3 of an insurer or other corporation, association, or partnership, or dividends or profits
4 accrued or to accrue on stocks, bonds, or other securities; or

5 (4) offer, promise, or give any valuable consideration not specified in the
6 contract, except for educational materials, promotional materials, or articles of
7 merchandise that cost less than \$10, regardless of whether a policy is purchased.

8 DRAFTER'S NOTE:

9 Error: Function paragraph of bill being cured incorrectly indicated that §
10 27-209 of the Insurance Article was unamended.

11 Occurred: Chapter 173 (House Bill 711) of the Acts of 2003.

12 **Article - State Finance and Procurement**

13 7-305.

14 (a) In this section, "capital expenditure" includes an expenditure for:

15 (1) acquisition of land, buildings, or equipment; or

16 (2) new construction.

17 (b) At the end of a fiscal year, the unspent part of an appropriation for a
18 capital expenditure made through the State budget or a supplementary appropriation
19 act other than an enabling act for a general obligation loan:

20 (1) does not revert to the General Fund; and

21 (2) with the approval of the Board of Public Works, may be carried in a
22 capital account until it is spent in accordance with subsection (c) of this section or
23 until the authority to spend the appropriation for a project terminates.

24 (c) Money carried in a capital account under subsection (b) of this section may
25 be spent only for a capital purpose.

26 (d) Unless otherwise provided by law, the authority to spend the appropriation
27 for a project terminates:

28 (1) 2 years after the effective date of the appropriation act that
29 authorizes the project, if:

30 (i) evidence that a required matching fund will be provided has not
31 been presented to the Board; or

32 (ii) no part of the project is under contract and the Board has not
33 encumbered money for any part of the project;

1 (2) Make students available for attendance during scheduled class time.

2 DRAFTER'S NOTE:

3 Error: Function paragraph of bill being cured incorrectly indicated that §
4 23-301, rather than § 22-301, of the Education Article was being added.

5 Occurred: Chapter 53 (House Bill 860) of the Acts of 2003.

6 SECTION 3. AND BE IT FURTHER ENACTED, That the Drafter's Notes
7 contained in this Act are not law and may not be considered to have been enacted as
8 part of this Act.

9 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
10 take effect July 1, 2004, contingent on the taking effect of Section 5 of Chapter 53 of
11 the Acts of the General Assembly of 2003, and if Section 5 of Chapter 53 does not
12 become effective, Section 2 of this Act shall be null and void without the necessity of
13 further action by the General Assembly.

14 SECTION 5. AND BE IT FURTHER ENACTED, That this Act is an emergency
15 measure, is necessary for the immediate preservation of the public health or safety,
16 has been passed by a yea and nay vote supported by three-fifths of all the members
17 elected to each of the two Houses of the General Assembly and, except as provided in
18 Section 4 of this Act, shall take effect from the date it is enacted.